

SOUTHERN

United States District Court
DISTRICT OF

TEXAS

UNITED STATES OF AMERICA

v.

Daniel LOPEZ
YOB: 1971
US Citizen

United States District Court
Southern District of Texas
McAllen, TX

Mar 18 2014

CRIMINAL COMPLAINT
CASE NUMBER: M-14-0522-M

Clerk of Court

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 17, 2014 in Starr County, in the Southern District of Texas defendant(s) did, knowingly

Conspire and agree to intentionally possess with the intent to distribute approximately 727 kilograms/1,603 pounds of marijuana, a controlled substance listed under Schedule I, of the Controlled Substance Act; In violation of 21 USC §§ 841 & 846

I further state that I am a(n) U.S. Immigration and Customs Enforcement – Homeland Security Investigations Special Agent and that this complaint is based on the following facts:

SEE ATTACHMENT A

Continued on the attached sheet and made a part hereof:

Yes

No



Signature of Complainant
Tom Fallon, Special Agent
U.S. Homeland Security Investigations

Sworn to before me and subscribed in my presence,

March 18, 2014

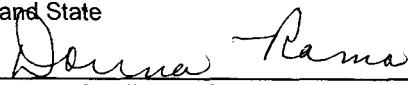
Date

Dorina Ramos, U.S. Magistrate Judge
Name & Title of Judicial Officer

at

McAllen, Texas

City and State



Signature of Judicial Officer

ATTACHMENT A

Before the United States Magistrate Judge, Southern District of Texas, I, Tom Fallon, Special Agent, U.S. Immigration and Customs Enforcement – Homeland Security Investigations, being duly sworn, depose and say the following:

On March 17, 2014, Starr County High Intensity Drug Task Force (HIDTA) Investigator Ismael Guerra along with other members of HIDTA responded to a residence located at 42 Chilst Street in Rio Grande City, Texas. Investigator's knocked on the front door of the residence and made contact with a Hispanic male identified as Daniel LOPEZ and a Hispanic female named Maribel MARTINEZ (LOPEZ' wife). LOPEZ told Investigators he was the owner of the property and Investigator Guerra explained to LOPEZ the reason for the police presence. Investigator Guerra requested permission to search the residence and property from LOPEZ to which LOPEZ voluntarily agreed to by signing a written waiver provided by Investigator Guerra. Agents noticed the overwhelming smell of marijuana as they walked inside the residence. Agents also noticed a cell phone belonging to LOPEZ was continually ringing. A search of the property resulted in the seizure of 111 bricks of compressed marijuana totaling 727 kilograms/1,630 pounds from a homemade shed in the rear of the property. The shed was located approximately 8 feet from the back of the residence.

While Agents were loading the bundles of marijuana into the Police Units, Investigator Guerra asked LOPEZ if any family members could pick up the three juvenile kids from the residence. LOPEZ said yes and asked MARTINEZ to get his phone from the house. Investigator Guerra handed the phone to LOPEZ and shortly thereafter noticed LOPEZ was still looking at the phone screen. Investigator Guerra took the phone from LOPEZ and dialed the number for him. LOPEZ and MARTINEZ were taken to the HIDTA Office in Rio Grande City for further investigation.

At the HIDTA Office LOPEZ was advised of his Miranda Rights in the Spanish language by Investigator Guerra, as witnessed by Investigator Natividad Gonzalez. LOPEZ voluntarily waived his Miranda rights by signing a waiver provided by Investigator Guerra. During the interview, LOPEZ stated the following:

-LOPEZ said he did not have any knowledge that marijuana was being stored on his property. LOPEZ said he was renting the shed to a female Mexican National for \$250 dollars a month.

-LOPEZ said he had the number to the person he was renting the shed to on his phone and gave Investigator Guerra permission to search his phone.

Investigator Guerra looked at the phone and noticed all the recent calls and texts were deleted. Investigator Guerra asked LOPEZ why he deleted them and LOPEZ said because he always does.

At the HIDTA Office MARTINEZ was advised of her Miranda Rights in the Spanish language by Investigator Guerra, as witnessed by Investigator Natividad Gonzalez. MARTINEZ voluntarily waived her Miranda rights by signing a waiver provided by Investigator Guerra. During the interview, MARTINEZ stated the following:

-MARTINEZ said she has lived at the residence with LOPEZ for the past 8 years. MARTINEZ said recently LOPEZ mentioned to her that he was going to rent out the shed. MARTINEZ said she had not seen any vehicle traffic and she stay's out of her husband's business.